



BOSTON CONNECTICUT FLORIDA NEW JERSEY NEW YORK PROVIDENCE WASHINGTON, DC

JAMES M. LEVA
Attorney at Law

One Jefferson Road
Parsippany, NJ 07054-2891
T: (973) 966-8416 F: (973) 273-4595
jleva@daypitney.com

October 8, 2024

VIA ECF

The Honorable Jessica S. Allen, U.S.M.J.
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Courtroom MLK 2B
Newark, NJ 07101

Re: *Wapelhorst. v. W.R. Berkley Corporation, et al.*
Case No. 2:23-CV-00637 (EP/JSA)

Dear Judge Allen:

We write on behalf of the parties to provide a status report in advance of the telephone status conference with Your Honor scheduled for Friday, October 11, 2024 at 9:30 a.m.

On September 17, 2024, the Court denied Defendants' Motion to Partially Dismiss the Amended Complaint. (ECF No. 52). Defendants intend to file their responsive pleading on or before October 15, 2024 in accordance with the Clerk's October 2 Text Order.

Written discovery is nearly complete, but a few issues remain outstanding. On August 2, 2024, Defendants sent Plaintiff a letter outlining certain deficiencies they had identified in Plaintiff's initial discovery responses and/or document production. During a meet and confer on August 8, 2024, Plaintiff's counsel agreed to produce all additional documents and information identified by Defendants in their deficiency letter. Plaintiff produced some additional documents on October 1 (pay stubs), but did not address all of the issues identified in Defendants' deficiency letter. The parties are hopeful that they will be able resolve these issues without the need for Court intervention.

On October 8, 2024, Defendants made their first supplemental production of documents to Plaintiff. The parties are in the process of scheduling depositions.

We thank Your Honor for Your Honor's time and attention to this matter and look forward to further discussing this matter with Your Honor on October 11.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'jleva'.

James M. Leva

cc: James Patterson, Esq. (via ECF)
Kathleen Fennelly, Esq. (via ECF)
Jonathan E. Kohut, Esq. (via ECF)
Alyssa R. Musmanno (via ECF)